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Permanent Forum on Indigenous Issues
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Agenda item 9
Future work of the Forum, including emerging issues

Recommendations on item 9: Future work of the Forum

Submitted by the Rapporteur

1. The Permanent Forum requests the World Intellectual Property Organization (WIPO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) to develop a code of ethics for research among indigenous peoples, based on the principles of free, prior and informed consent, and to disseminate the code in order to meet the widespread ignorance of the rights of indigenous peoples in academic and other research communities.

2. The Permanent Forum recommends that, prior to its seventh session, the United Nations organizations should provide technical assistance and convene, in cooperation with indigenous peoples' organizations, regional workshops on the special theme of the seventh session, "Climate change, and the right and the responsibility to maintain the sacred balance of creation for sustainable livelihoods", with the participation of the members of the Forum, and other experts, indigenous peoples' representatives, indigenous parliamentarians, State representatives and representatives of the United Nations system, in order to formulate recommendations for consideration, as part of its preparatory work for the seventh session. The Forum further recommends that States, organizations and donors provide resources for these regional workshops.

3. The Permanent Forum encourages States to facilitate the active participation of indigenous peoples in the Working Group of the secretariat of the Convention on Biological Diversity on article 8 (j) and Related Provisions of the Convention in October 2007, at which the indigenous indicators will be considered, prior to their submission to the ninth Conference of States parties to the Convention in May 2008.

4. The Permanent Forum recommends that all States, in particular developed States, work in equal partnership with indigenous peoples to develop, implement and evaluate indicators on well-being that provide an overview of the social and economic status of indigenous peoples within a holistic, integrated framework. Furthermore, the Forum recommends that States invest adequate resources (in

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accordance with their human rights obligations) in addressing the indigenous social and economic needs identified by the indicator framework.

5. The Permanent Forum recommends that relevant States with indigenous populations issue an open invitation to the Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous peoples to undertake country visits. The Special Rapporteur should give priority to invitations from those countries where indigenous peoples have expressed concerns about their ability to fully and freely exercise their human rights: in this regard, the Forum calls upon the Government of Australia to show leadership by promptly issuing an invitation to the Special Rapporteur.

6. The Permanent Forum notes that the recommendation in paragraph 24 of the report of the Special Rapporteur states: "... that the Permanent Forum should commission a study ... to determine whether there ought to be a shift in the focus on the protection of indigenous traditional knowledge away from intellectual property law to protection via customary law ... The study should consider how indigenous traditional knowledge could be protected at an international level by utilizing customary law, including the extent to which customary law should be reflected ... at national and regional levels" (E/C.19/2007/10).

7. The Permanent Forum, at its seventh session, should appoint five members to hold specialized meetings on indigenous traditional knowledge during its sessions.

8. The Permanent Forum recommends that the secretariat of the Convention on Biological Diversity facilitate an indigenous peoples' expert workshop on traditional knowledge in a timely manner in order to feed into the fifth meeting of the Working Group on article 8 (j) and Related Provisions and the fifth and sixth meetings of the Working Group on Access and Benefit-sharing in order to support the elaboration by indigenous peoples' of recommendations vis-à-vis an international regime on access and benefit-sharing. This meeting could be organized back-to-back with the meeting of the Inter-Agency Support Group on Indigenous Issues in order to take advantage of the presence of some United Nations agencies to provide technical support and information.

9. The Permanent Forum decides to transmit the report of the expert group meeting to the Executive Secretary of the Convention on Biological Diversity as an informational document for the meetings of the open-ended working group on access and benefit-sharing and the open-ended Working Group on article 8 (j) and Related Provisions, to be presented during the discussion of the relevant agenda item at those meetings.

10. The Permanent Forum decides to organize a side-event on the occasion of the fifth meeting of the open-ended Working Group on Access and Benefit-sharing of the Convention, as an occasion for the co-chairs of the Group, representatives of States parties and other interested groups to consider the conclusions and recommendations of the expert group meeting and the views of indigenous peoples on an international regime on access and benefit-sharing.

11. The Permanent Forum calls upon United Nations agencies at the regional level to promote regional approaches with the full and effective participation of indigenous peoples to address transboundary issues associated with access and benefit-sharing of genetic resources, the protection of traditional knowledge and the development of an international regime.

12. The Permanent Forum calls upon the States parties to the Convention on Biological Diversity to continue to enhance participatory mechanisms by ensuring that the diverse regional views of indigenous peoples are reflected in discussions on the international regime on access and benefit-sharing. In particular, the parties are urged to ensure adequate representation of indigenous peoples from the seven geo-cultural regions and subregional levels in the Working Group on Access and Benefit-sharing and to ensure that they are provided with opportunities to express diverse regional and subregional views.

13. The Permanent Forum, with the assistance of relevant member of the Inter-Agency Support Group, and in collaboration with indigenous experts, will conduct timely technical reviews at critical stages in the negotiations of international standards on the protection of traditional knowledge, such as the international regime on access and benefit-sharing and the deliberations of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, to evaluate consistency and harmonization with existing and developing international legal instruments, standards and arrangements and, in particular, the human rights of indigenous peoples.

14. The Permanent Forum calls upon the secretariat of the Convention on Biological Diversity to work in partnership with other members of the Inter-Agency Support Group and donors to organize regional workshops for the purposes of information exchange and capacity-building among Governments, indigenous peoples and local communities and other stakeholders with regard to the proposed international regime on access and benefit-sharing. In addition, the secretariat is called upon to provide financial support for indigenous networks to disseminate information, in appropriate and accessible languages, and through appropriate media, to indigenous communities on this issue.

15. The Permanent Forum welcomes and encourages the continuation of the practice of submission of reports by the Governments and indigenous peoples' organizations on implementation of recommendations, including analysis of their positive and negative work experience in the process of implementation.

16. The Permanent Forum welcomes the invitation from the Government of the Russian Federation, the Governor of Yamal-Nenets Autonomous Region, the civil chamber of the Russian Federation and the Russian Association of Indigenous Peoples of the North, Siberia and the Far East (RAIPON) to hold an international meeting in the city of Salekhard, from 1 to 4 July 2007, dedicated to study experiences of interaction between indigenous peoples and private sector, and expresses its appreciation for this invitation. The Forum also calls upon other countries to follow the example of the Russian Federation.

17. The Permanent Forum calls upon those States that have created special national committees on the Second International Decade of the World's Indigenous People to coordinate their activities with the Forum, with emphasis on cooperation at the international level as well as on inviting Forum members to the meetings of the special committees.

18. The Permanent Forum welcomes the continuing preparation by its secretariat of the world report on the situation of the indigenous peoples.

19. The Permanent Forum recommends that the Government of the Russian Federation and RAIPON conduct a half-day discussion during the eighth session of

the Forum on the subject of "Indigenous peoples of the North, Siberia and the Far East of the Russian Federation", with broad participation of the indigenous communities, regional administration and institutions of local self-governance.

20. The Permanent Forum expresses its appreciation for the continuing presence and support of the members of the Inter-Agency Support Group at its annual sessions, and its intersessional meetings and for the valuable written contributions in terms of pre-sessional documentation. The Forum also expresses its appreciation to the International Fund for Agricultural Development (IFAD) for convening and hosting the annual meeting of the Inter-Agency Support Group on Indigenous Issues in September 2006.

21. The Permanent Forum welcomes the participation at its sixth session of indigenous parliamentarians from Bolivia, Brazil, Ecuador, Greenland, Mexico, Nepal, Nicaragua, Norway, Peru, the Russian Federation, Sweden and others, and encourages indigenous parliamentarians to continue participating at future sessions in their own capacity, with special seating arrangements.

22. The Permanent Forum expresses appreciation to Mr. Michael Dodson for the concept paper on traditional knowledge and recommends that the paper be widely circulated. The Permanent Forum invites States, United Nations agencies, non-governmental organizations and indigenous peoples and their organizations and academic institutions to submit written comments to the secretariat for consideration for the seventh session of the Forum.

23. The Permanent Forum expresses appreciation to all States, United Nations agencies and foundations that contributed to the Trust Fund on Indigenous Issues, including contributions for the small grants programme for the Second International Decade of the World's Indigenous People and the Voluntary Fund for Indigenous Populations, and invites States, agencies and foundations to continue contributing generously to the Fund. The Forum recommends expanding the mandate of the Voluntary Fund on Indigenous Populations to support the participation of indigenous peoples in other United Nations meetings, in particular meetings of the treaty bodies.

24. The Permanent Forum expresses appreciation to Mr. Parshuram Tamang and Mr. Yuri Boichenko for their draft questionnaire for United Nations agencies and requests the secretariat of the Forum to use the questionnaire in seeking information from agencies for the future sessions of the Forum.

25. In view of the need to actively promote implementation of its recommendations, the Permanent Forum decides to consider, at its session in 2008, the advisability of alternating its sessions between one year of policy recommendations and one year of monitoring recommendations.

26. The Permanent Forum reiterates the recommendation of its fourth and fifth sessions that the Department of Peacekeeping Operations of the United Nations Secretariat establish a policy on indigenous peoples, in consultation with indigenous peoples.

27. The Permanent Forum recommends that the Human Rights Council, in cooperation with the Forum, undertake a study of the form of structures, procedures and mechanisms that can be established to effectively and pervasively address the

human rights situation of indigenous peoples and to arrange for indigenous representation and inclusion in such structures, procedures and mechanisms.

28. The Permanent Forum recommends that the Human Rights Council include the question of treaties, agreements and other constructive arrangements when undertaking the universal periodic review of States members.

29. The Permanent Forum recommends that the Human Rights Council request the new expert advisory body on indigenous peoples human rights, being established as a subsidiary body of the Human Rights Council, to propose and initiate next steps in order to update and complete the United Nations study on treaties, agreements and constructive arrangements. This could include the possible appointment of a rapporteur to carry out this task and provide regular reports to the Human Rights Council and other appropriate bodies.

30. The Permanent Forum recommends the new expert advisory body on indigenous peoples' human rights, to be established as a subsidiary body of the Human Rights Council, be given the task of developing a framework for the implementation of article 37 of the draft United Nations Declaration on the Rights of Indigenous Peoples, as adopted by the Human Rights Council, to assess implementation of treaties, agreements and other constructive arrangements between States and indigenous peoples in all regions of the world.

31. The Permanent Forum recommends that the third seminar on treaties, agreements and other constructive arrangements, as called for by the Economic and Social Council, take place in Waitangi, Aotearoa (New Zealand), in February 2008 and that OHCHR organize the seminar, the indigenous host communities, States, indigenous organizations and appropriate United Nations bodies.

32. The Permanent Forum urges States, in particular those developed nations that endorsed the Second International Decade, to provide sufficient resources to the Fund for the Decade in order to achieve the five goals of the Decade.

33. The Permanent Forum urges all States, particularly developed nations, to provide for the recognition and integration of customary and traditional laws within domestic justice systems to ensure that indigenous peoples have culturally appropriate access to justice.

34. The Permanent Forum calls on all States that have ratified the International Covenant on Economic, Social and Cultural Rights to develop, in partnership with indigenous peoples, the benchmarks, timelines and indicators to measure progressive realization of indigenous human rights. All services and programmes must be developed and delivered in a non-discriminatory and culturally appropriate manner, with adequate resources to achieve the agreed goals.

35. The Permanent Forum calls for a second international border security summit, to focus on the human rights of indigenous peoples divided by international borders.